

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, April 26, 2006, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Jon Carlson, Gene Carroll, Michael Cornelius, Dick Esseks, Gerry Krieser, Roger Larson, Mary Strand and Tommy Taylor (Lynn Sunderman absent); Marvin Krout, Ray Hill, Mike DeKalb, Brian Will, Steve Henrichsen, Greg Czaplewski, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Meeting

Chair Jon Carlson called the meeting to order and requested a motion approving the minutes for the regular meeting held April 12, 2006. Motion for approval made by Carroll, seconded by Krieser and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson Strand and Taylor voting 'yes'; Sunderman absent.

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

April 26, 2006

Members present: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand and Taylor; Sunderman absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 06019; USE PERMIT NO. 06004; COUNTY SPECIAL PERMIT NO. 06023; COUNTY SPECIAL PERMIT NO. 06024; SPECIAL PERMIT NO. 06025; SPECIAL PERMIT NO. 06026; SPECIAL PERMIT NO. 06027, Prairie Crossing Community Unit Plan; and COMPREHENSIVE PLAN CONFORMANCE NO. 06005.**

Ex Parte Communications: None.

**Item No. 1.2, Use Permit No. 06004, and Item No. 1.3, County Special Permit No. 06023,** were removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Strand and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand and Taylor voting 'yes'; Sunderman absent.

Note: This is final action on Special Permit No. 06025, Special Permit No. 06026 and Special Permit No. 06027, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

**USE PERMIT NO. 06004**  
**FOR APPROXIMATELY 224,000 SQ. FT.**  
**OF COMMERCIAL FLOOR AREA,**  
**ON PROPERTY GENERALLY LOCATED**  
**AT S. 40<sup>TH</sup> STREET AND YANKEE HILL ROAD.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 26, 2006

Members present: Esseks, Carroll, Larson, Strand, Cornelius, Taylor, Krieser and Carlson voting 'yes'; Sunderman absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

This application was removed from the Consent Agenda and had separate public hearing at the request of the Commission Chair and due to a letter received in opposition.

Additional information submitted for the record: Brian Will of Planning staff submitted a letter in opposition from Bev Johnson on behalf of the Sterling Hills Homeowners Association, and an e-mail response to a question submitted by Gene Carroll concerning trip generation.

Proponents

**1. DaNay Kalkowski** appeared on behalf of the developer, **Desco Group**, which is requesting a use permit on the northwest corner of S. 40<sup>th</sup> Street and Yankee Hill Road, containing a little over 20 acres, bounded on the west by S. 37<sup>th</sup> Street and on the north by Grainger Parkway. The site has been zoned B-2 since 1999. The zoning was put in place at the same time as the R-3 zoning for the Pine Lake Heights neighborhood to the northwest and Sterling Hills Townhome development to the west, and the O-3 zoning to the north. The B-2 zoning was in place before any homes were built in this area. This was done intentionally so that the neighbors who built their homes would know that this would be a commercial retail center.

Kalkowski also pointed out that the traffic was master planned back in 2002, when the first use permit was done at the northeast corner of South 27<sup>th</sup> Street and Yankee Hill Road, at which time they completed traffic studies on both corners and identified the road improvements for both of these corners, and an off-site agreement was entered into with the City. As part of that agreement, a cap was placed on the number of trips that could be generated by both of these corners. Adding the traffic that is going to be generated by this corner is still within that traffic cap. The developer has, however, agreed to revise the latest traffic study just to make sure there are no adjustments that need to be made for turning lanes that would be directly adjacent to this site.

Kalkowski advised that this use permit includes 224,000 total sq. ft., and the largest single user is proposed at 174,000 sq. ft.

The developer first met with city staff over a year ago in January of 2005, and discussed a use permit very similar to what is being proposed today, showing a 170,000 sq. ft. user. The developer then met with the neighbors and heard lots of different concerns from the neighbors about having a larger user. After that meeting with the neighbors, the developer did not have a specific user for the anchor store, so the decision was made to wait to bring this use permit forward until they had a specific user in order to answer the questions posed by the neighborhood and to address screening issues, etc. On March 29, 2006, the developer met with the Pine Lake Heights South neighborhood and other abutting neighbors, with 29 people attending. Over 400 invitations were mailed. At that meeting, the developer was able to share that the proposed anchor store is a Super Target store, and a representative from Target was at that meeting. In response to the meetings with the staff and the neighbors, the developer made revisions to the site to address the concerns raised by the neighbors.

**2. Brad Strittmatter, Olsson Associates,** then discussed the site plan on behalf of the developer. The site is 224,000 sq. ft. in total commercial space. The anchor store is 174,000 sq. ft., with various out-parcels including a 6,000 sq. ft. bank on the northeast corner; 4,000 sq. ft. retail pad to the west of that; a 31,000 sq. ft. retail facility on the southeast corner along Yankee Hill Road with two pad sites of 4,000 sq. ft. and 5,000 sq. ft. that may be fast-food or sit-down restaurants. The major anchor is oriented such that it faces east away from the neighborhoods. The building signs are proposed to be located on the east side and south side with no signage on the west and north side.

They are showing two major access points: Grainger Parkway and S. 40<sup>th</sup> Street; and Yankee Hill Road and South 37<sup>th</sup> Street. Both of those entrances turn in onto Grainger Parkway and S. 37<sup>th</sup> Street, and then as quickly as possible are able to turn into the site. They will not go by the majority of the neighborhood to the northwest. There are two right-in and right-out entrances/exits on S. 40<sup>th</sup> Street and on Yankee Hill Road. The one on Yankee Hill Road was requested by the neighbors.

With regard to truck access, Strittmatter pointed out that the major tenant has a service area on the southwest side of the building. That is the only place envisioned for semi-trucks and trailers to travel in and through the site. They will come in off of Yankee Hill Road onto 37<sup>th</sup> Street, turn into the site, and maneuver into the dock and out of the dock in that confined area. The service area for the large user is screened with an opaque screen wall to hide any trucks that are parked there and to also hide the trash compactor. The compactor is completely loaded from inside the building. There are no outside dumpsters.

With regard to pedestrian access, Strittmatter stated that there will be sidewalks on all abutting streets and there will be internal sidewalks going east and west, and north and south, connecting all the lots with each other and to the adjacent public rights-of-way.

The setbacks along the front and rear are 20', as required, and there is an additional 50' buffer area on the north and west side of the anchor store, with a fair amount of landscaping to screen it from the adjacent neighbors. The landscaping meets the new city standards and they have added 26 trees to that buffer area, equating to 1.5 times the city standards. The 50' buffer is expanded to 60, 70 and 80 feet in some areas due to the site plan. They have talked to the neighbors and agreed to increase berms wherever possible and to increase the initial planting tree size.

With regard to lighting, Strittmatter stated that the site lighting will meet the city standards, all being directed down, with no exposed lights on the back of the buildings and no light poles. The lighting will be minimal and kept to city standard or even less.

Kalkowski submitted a motion to amend the conditions of approval as follows:

2.1.1.12 ~~—— Show the bike trail along Yankee Hill Road and any required additional right-of-way. (\*\*Per Planning Commission, at the request of the applicant and agreed upon by staff, 4/26/06\*\*)~~

2.1.1.13      Revise the last line of General Note #13 to state: "THE PARKING LOT AND BUILDING LAYOUT SHOWN IS CONCEPTUAL. THE ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT AND SHALL CONFORM TO THE CITY OF LINCOLN ZONING ORDINANCE AND DESIGN STANDARDS. LANDSCAPING AND SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT WILL BE SHOWN AT THE TIME OF BUILDING PERMIT. SIGNS TO CONFORM TO THE ZONING ORDINANCE, EXCEPT AS ADJUSTED BY THIS USE PERMIT AND EXCEPT THAT WALL SIGNS SHALL NOT BE ALLOWED ON THE NORTH AND WEST WALLS OF THE ANCHOR STORE."

With regard to deleting Condition #2.1.1.12, Kalkowski suggested that this condition is not necessary because the site plan already shows a trail easement along Yankee Hill Road, which was agreed upon previously and shown when this area was final platted. There is nothing additional that needs to be shown.

The proposed amendment to Condition #2.1.1.13 clarifies that not only is the parking lot layout conceptual, but also the building layout.

Kalkowski concluded the applicant's presentation by stating that the developer has attempted to design the site to minimize the impact the uses will have on the neighbors. Many neighbors have actually submitted letters in support and have made calls in support. Kalkowski has not received any letters in opposition since the neighborhood meeting.

Larson inquired as to the height of the structures and signage. Kalkowski advised that the building will be 26 to 28 feet in height, and the signage will be on the front of the building facing on the east and on the south.

Esseks noted that the letter in opposition suggests that McLaughlin Drive will be impeded by trucks going into this commercial area. Kalkowski showed McLaughlin Drive at the map, on the west side of S. 37<sup>th</sup> Street. The staff required the developer to shift the location of the entrance so that it lines up with McLaughlin Drive. It lines up with the west side of the entrance. The user of the store is concerned about the amount of space for trucks to get in, so she does not believe there should be any impediment to the west side of 37<sup>th</sup> Street with the trucks entering and exiting this site.

Carroll inquired whether the applicant had done a new traffic study. Kalkowski stated that they have not done a new traffic study, but they are going to update the last study done at the corner of 27<sup>th</sup> & Yankee Hill Road. Carroll wondered whether the specific trip counts are known. Kalkowski indicated that they do know and they did submit a chart showing the anticipated trips, and they are less than the cap. Because of the trip numbers, Public Works is concerned and wants to make sure that the turning lanes are the appropriate length.

Carroll inquired further as to the trip counts for this specific site. Kalkowski advised that this specific site was shown as a 235,000 sq. ft. shopping center and the site to the north was shown as an office park, so there was an amount of trips anticipated to occur at this end of the site. The trips generated from the actual uses at this corner are about 157 more than what was on the original traffic study, but the proposal is still within the trip cap set forth in the off-site road improvement agreement. The trip count includes the other uses. Kalkowski explained that the specific uses are not yet known at the time that the traffic study is done. We can get a better number when the specific users have been identified.

Support

1. **Todd Beam**, 7925 S. 36<sup>th</sup> Street, which is less than one block from the commercial site, testified in support. His awareness of this project started back in 2003 when he was looking for a place to build his home. At that point in time, the first thing he did was look at the web site to see what the adjoining properties were and he easily determined that it was zoned B-2; he was able to look up what B-2 meant and what would be allowed. Even at that point in time, there was some notion that this was going to be a rather large neighborhood center. He bought his house knowing about the B-2 zoning and development. He participated in the original informational meeting before it became a Target, and the idea of a big box retailer was presented at that meeting. There were a lot of concerns about traffic, size of the store, buffers, trash, lighting, etc. He is very pleased with the fact that the developers took all of the neighbors' concerns into account and addressed a large number of their concerns at the next informational meeting.

Beam pointed out that a person cannot drive around the Target building, which is very important. The additional buffer and landscaping is very important, as well as the lighting, the hours of operation, and the trash compactors. In addition to that, Target brings to the table a completely different ramification. He described it as B-2+. You cannot locate just anything next to a Target, and he has never seen a Target move. He considers them to be a good neighbor.

Opposition

1. **Bev Johnson**, 1233 Infinity Court, appeared on behalf of the **Sterling Hills Homeowners Association**, which is across 37<sup>th</sup> Street from the proposed development. The current owners have major concerns regarding the extra traffic and the safety of their children and grandchildren. Along with the environmental issues from fast food restaurants and additional vehicles in the area, they are concerned about a high volume big box store in the area and the impact on the values of the homes in the neighborhood. Some homeowners made their purchases because it was "away" from the commercial area.

However, if this permit is approved, the Sterling Hills Homeowners Association is concerned about the driveway across from McLaughlin Drive. With the trucks using McLaughlin Drive to negotiate their turns, the Sterling Hills property owners would like to see a drive pattern that would limit some of that truck traffic on 37<sup>th</sup> Street. They would also request the addition of a fence to keep the trash from blowing through the tree screen on the west side of the development. Because of the noise and odor pollution concerns, the neighbors are interested in a limitation on the window of time when trucks would be allowed to deliver, such as 8:00 a.m. to 9:00 p.m. There has been some concern about the lighting and signage, and the

Sterling Hills neighbors agree with the signage along the wall spacing on 37<sup>th</sup> Street and Grainger Parkway. The Sterling Hills neighbors would recommend adding more trees and a taller berm in addition to a fence on the west side.

**2. Ann Sidles**, 5200 Cavey Road, appeared, stating that she is in a neutral position, on behalf of the 17 homeowners in Country Acres, which is 1 to 1.5 miles northeast of the location. This week happens to be National Dark-Sky week, sponsored by the International Dark-Sky Association. She is concerned about the lighting and she submitted a model lighting ordinance which she found on the International Dark-Sky Association Web site. From 57<sup>th</sup> & Cavey Road (at the top of the hill between Pine Lake Road and Yankee Hill Road) the Country Acres residents can easily see the Walmart and Menards, which are several miles away. She requested that the Commission please consider the lighting very carefully. She noted a new development near South 14<sup>th</sup> Street and Hwy 2, just south of the post office, called Pioneers Point Plaza, where the lighting in the parking lot is not tall and there is no sideways lighting. We need to look at lighting every time we approve something in the community to make sure it does not pollute the dark sky.

#### Staff questions

Strand asked staff to respond to the applicant's proposed amendments to the conditions of approval. Will stated that staff agrees with the proposed amendments.

Strand inquired about the location of McLaughlin Drive. Will stated that it is a requirement for McLaughlin Drive to line up with that street in the previously approved special permit. That street is in place so staff is making it a requirement that this driveway line up with that street.

Strand inquired about requiring a fence until the trees have grown. Will indicated that staff would not object. However, the screening being provided is in excess of the design standard.

Esseks inquired whether there is a city ordinance regarding the delivery of goods to commercial areas. Will indicated that there is no design standard or restriction relative to the delivery of goods.

Larson inquired about the lighting ordinance. Will indicated that there are design standards relative to lighting. There is also an ongoing discussion occurring about revising those design standards. This development is subject to the design standards for parking lot lighting.

Taylor inquired about deleting the bike trail condition. Will explained that the condition being requested to be deleted was included to make sure that everyone is satisfied. He has talked with Parks and they are satisfied. The trail will extend along Yankee Hill in this area and the notes shown on the plan will accommodate that.

Carlson noted that the Comprehensive Plan talks about neighborhood centers providing services and retail goods oriented to the neighborhood level, and asked Will to guide him through the staff analysis for approving this proposal. Will suggested that it probably relates to size and the goods and services that are being allowed. We can see the “big box” under one roof or several different buildings. It is within the total floor area allowed for a neighborhood center as described in the Comprehensive Plan. The plan shown and uses being proposed meet the intent of a neighborhood center. You could argue that the big box will have a bigger draw than the one square mile; however, you can also make the argument that it will primarily serve that area based on the goods and services that it will provide. Will found that the proposal meets the definition of a neighborhood center in terms of floor area and overall square footage. It could be broken up into smaller stores but it would be providing the same goods and services.

Carlson does not believe the site plan is pedestrian friendly. Will agreed that if it did have some smaller footprint stores, it could provide additional pedestrian opportunities. But, he sees opportunities either way.

Carlson inquired about the difference in terms of trip generation. Will suggested that there are a lot of variables, and there are some assumptions being made that may or may not be correct. Carlson challenged that the two are equal. Will further suggested that on the surface, if comparing 150,000 sq. ft. of retail floor area in one building or five buildings, the trip generation may be similar, but he believes the dynamics may change when you get to a store of this size, but he is not sure how.

Strand inquired about the size of the HyVee Store at 70<sup>th</sup> & Pioneers. Will suggested that it is closer to probably 90,000 sq. ft. Strand was interested in how much of that shopping center is occupied by HyVee.

Esseks inquired whether there is any evidence that turning this 174,000 sq. ft. development into a number of different separate stores would be better for the community than one large store. Will stated that there is nothing definitive at this time. Esseks also wondered whether there is any data on vacancies of smaller store buildings. He sees a number of these strip commercial developments with vacant stores. He wonders whether this part of town might be served better with the one larger retail establishment.

#### Response by the Applicant

Kalkowski responded to the issue of one large user versus several smaller users. They heard from the neighborhood that one large user was more attractive because we are dealing with one store with one set of deliveries, one dock area, one trash compactor area, with room to do a really nice screen along the back, and the building itself somewhat provides a buffer to the traffic on 40<sup>th</sup> and Grainger Parkway.



Kalkowski reiterated that the zoning has been in place for a long time, even before the Sterling Hills special permit was approved. Obviously, 37<sup>th</sup> and Grainger have been designed to accommodate the traffic to be generated from commercial on this corner. This developer added the right-in, right-out on Yankee Hill Road at the request of the neighbors. They have done some things to minimize how the traffic might impact the surrounding neighbors.

With respect to the request for the fence, Kalkowski pointed out that the developer has gone way above the norm in trying to put in a screen along Grainger and along S. 37<sup>th</sup> Street that is 1.5 times the minimum requirements. The developer has also made the commitment to the neighbors to do berming to the extent possible and still have maintainable slopes. The developer has also committed to put in trees that are larger than the minimum required by the city to help boost the landscaping to provide a better screening. The landscape screen is a much more attractive solution. There should not be trash blowing around from the big box because everything goes into the trash compactor. There will be less trash with the one large user. They will meet the City's lighting standards for both the parking lot and the building.

Carroll asked for confirmation that after the traffic study is done, the developer will pay for any improvements. Kalkowski suggested that there is a base line already in place, but if there is more as a result of this development, she agreed that it would be the developer's responsibility.

Esseks inquired whether there is data indicating when truck deliveries occur in this type of Target facility. Kalkowski noted that Target had indicated that their trucks would do deliveries between 4:00 p.m. and 10:00 p.m. Of course, they could have van deliveries anytime during the hours of operation.

Will approached with the information requested about Lenox Village at 70<sup>th</sup> & Pioneers. The total floor area of the shopping center is 121,000 sq. ft. The HyVee is 67,000 sq. ft., or 56% of that center.

**ACTION BY PLANNING COMMISSION:**

April 26, 2006

Strand moved to approve the staff recommendation of conditional approval, with the amendments requested by the applicant, seconded by Carroll.

Larson stated that he will vote in favor, but this points out the need for future Comprehensive Plans to have some sort of ratio of the largest anchor to the total square footage of the center.

Carroll believes that the applicant is following the definition of a neighborhood center as set forth in the Comprehensive Plan. He believes it is a very good site design, and a needed improvement for that area.

Strand also appreciates the work that the developer did with the neighborhood.

Carlson agreed that it is a good site plan and that they have done a good job of buffering, but he is hopeful that other clients coming forward with other centers, would strive for a higher standard. He did commend the developer for attempting to find a way to provide important neighborhood services in this part of the city. It is true that this area has been designated for commercial and this corner is appropriate, but he will vote against the motion. He believes we need continued discussion and further refinement regarding neighborhood centers in the Comprehensive Plan. The Plan is ambiguous in terms of the neighborhood center and difficult for the development community to understand what is being required. He believes that the Comprehensive Plan does provide guidance and offers specific examples, such as Lenox Village and Coddington Park, which are more typical of a neighborhood center with smaller users. Thus, it is not quite true to say we don't have guidance. While he thinks this has good elements in design, he does not believe the inclusion of the "super center" makes it a neighborhood center. It makes it a draw from the larger community and creates more traffic.

Motion for conditional approval, with amendments, carried 7-1: Esseks, Carroll, Larson, Strand, Cornelius, Taylor and Krieser voting 'yes'; Carlson voting 'no'; Sunderman absent. This is a recommendation to the City Council.

**COUNTY SPECIAL PERMIT NO. 06023**  
**TO CONSTRUCT A 498 FT. RADIO TOWER,**  
**ON PROPERTY GENERALLY LOCATED**  
**AT SOUTH 54<sup>TH</sup> STREET AND PELLA ROAD.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 26, 2006

Members present: Esseks, Carroll, Larson, Strand, Cornelius, Taylor, Krieser and Carlson voting 'yes'; Sunderman absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

This application was removed from the Consent Agenda and had separate public hearing due to a letter received in opposition.

Additional information submitted for the record: Mike DeKalb of Planning staff submitted an e-mail in opposition from a property owner in the area concerned about there being other power lines in the area, interference with other radio stations, and high visibility from homes and Norris School, suggesting that the tower be moved further west.

The applicant was not present.

There was no testimony in support nor in opposition.

Staff questions

Strand noted that the opposition would like to see this tower located in a less populated area, but she does not believe the area looks very populated. DeKalb concurred that this tower will be located in a pretty remote area, on a gravel road one mile from the pavement.

Esseks inquired whether the height exceeding 400' is extraordinarily high for a radio tower. DeKalb indicated that it was not. The towers for wireless facilities are getting shorter and shorter, but this is for radio-type broadcasts and there are precedents for this height in the county.

Carlson noted the comments in the staff report from the Lincoln Airport Authority with concerns about the height (although, the location of this tower is outside of the airport environs district and the area covered by height restriction zoning). DeKalb explained that the Airport Authority wanted to double-check with the FAA before making any further comments. DeKalb also pointed out that the applicant is required to comply with any FAA requirements. DeKalb also concurred that this tower is not in the Capitol View corridor.

Strand wondered whether the conditions should be revised such that the applicant receives full approval from the Airport Authority. DeKalb pointed out that the applicant will have about three weeks before this application is scheduled on the County Board agenda; however, they are already required to comply with all federal regulations.

**ACTION BY PLANNING COMMISSION:**

April 26, 2006

Taylor moved to approve the staff recommendation of conditional approval, seconded by Larson and carried 8-0: Esseks, Carroll, Larson, Strand, Cornelius, Taylor, Krieser and Carlson voting 'yes'; Sunderman absent. This is a recommendation to the Lancaster County Board.

**COMPREHENSIVE PLAN AMENDMENT NO. 06002**

**AND WAIVER NO. 06002**

**ON PROPERTY GENERALLY LOCATED**

**AT SOUTH 84<sup>TH</sup> STREET AND ROKEBY ROAD.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 26, 2006

Members present: Esseks, Carroll, Larson, Strand, Cornelius, Taylor, Krieser and Carlson voting 'yes'; Sunderman absent.

Staff recommendation:

Comprehensive Plan Amendment: Approval of Option A, if the property owners agree to fund the sanitary sewer costs associated with the additional area, or only approval of Option B, if the applicants are the only properties willing to fund the improvements.

Waiver: Approval for the area included in Comprehensive Plan Amendment No. 06002, subject to a developer agreement to pay for the cost of over-sizing the sanitary sewer.

Ex Parte Communications: None.

The Clerk announced that the staff has requested an additional two-week deferral.

Strand moved to defer, with continued public hearing and action scheduled for May 10, 2006, seconded by Taylor and carried 8-0: Esseks, Carroll, Larson, Strand, Cornelius, Taylor, Krieser and Carlson voting 'yes'; Sunderman absent.

There was no testimony in support nor in opposition.

**COUNTY CHANGE OF ZONE NO. 06003**

**FROM AG TO AGR**

**and**

**COUNTY PRELIMINARY PLAT NO. 06001,**

**THE PRESERVE AT CROSS CREEK 2<sup>ND</sup> ADDITION,**

**ON PROPERTY GENERALLY LOCATED**

**AT S. 58<sup>TH</sup> STREET AND ROCA ROAD.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 26, 2006

Members present: Esseks, Carroll, Larson, Strand, Cornelius, Taylor, Krieser and Carlson voting 'yes'; Sunderman absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

The Clerk announced that the applicant has requested an additional four-week deferral in order to file an application for an additional waiver.

Strand moved to defer, with continued public hearing and action scheduled for May 24, 2006, seconded by Taylor and carried 8-0: Esseks, Carroll, Larson, Strand, Cornelius, Taylor, Krieser and Carlson voting 'yes'; Sunderman absent.

There was no public testimony.

**MISCELLANEOUS NO. 06001,**  
**AMENDMENT TO THE PLANNING**  
**COMMISSION RULES AND PROCEDURES.**  
**ACTION BY PLANNING COMMISSION:**

April 26, 2006

Members present: Esseks, Carroll, Larson, Strand, Cornelius, Taylor, Krieser and Carlson voting 'yes'; Sunderman absent.

These amendments do not require a public hearing.

There were no comments.

**ACTION BY PLANNING COMMISSION:**

April 26, 2006

Taylor moved approval, seconded by Carroll and carried 8-0: Esseks, Carroll, Larson, Strand, Cornelius, Taylor, Krieser and Carlson voting 'yes'; Sunderman absent.

There being no further business, the meeting was adjourned at 2:10 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on May 10, 2006.